



Department  
of Health &  
Social Care

39 Victoria Street  
Westminster  
London  
SW1H 0EU

Organisations providing health services  
General Practices  
Local Authorities  
Combined Authorities  
Arm's Length Bodies of the Department of Health and Social Care

27 August 2021

Dear Colleagues,

### **Covid-19 – Notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002**

The health and social care system is taking action to manage and mitigate the spread and impact of the current outbreak of Covid-19. Action to be taken will require the processing and sharing of confidential patient information amongst health organisations and other bodies engaged in disease surveillance for the purposes of research, protecting public health, providing healthcare services to the public and monitoring and managing the Covid-19 outbreak and incidents of exposure.

I am therefore writing to inform you that I am serving notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (**COPI**) to require organisations to process confidential patient information in the manner set out below for purposes set out in Regulation 3(1) of COPI.

This Notice **does not** apply to NHS Digital or NHS England & Improvement, which are subject to separate notices under COPI.

#### **1. Purpose of this Notice**

The purpose of this Notice is to require organisations to process confidential patient information for the purposes set out in Regulation 3(1) of COPI to support the Secretary of State's response to Covid-19 (Covid-19 Purpose). "Processing" for these purposes is defined in Regulation 3(2) and includes dissemination of confidential patient information to persons and organisations permitted to process confidential patient information under Regulation 3(3) of COPI.

I consider this Notice is necessary to require organisations to lawfully and efficiently process confidential patient information as set out in Regulation 3(2) of COPI for purposes defined in regulation 3(1).

## **2. Requirement to Process Confidential Patient Information**

2.1. I hereby provide recipients with notice under Regulation 3(4) that I require you to process confidential patient information, including disseminating to a person or organisation permitted to process confidential patient information under Regulation 3(3) of COPI.

2.2. Organisations are only required to process such confidential patient information:

- 2.2.1. where the confidential patient information to be processed is required for a Covid-19 Purpose and will be processed solely for that Covid-19 Purpose in accordance with Regulation 7 of COPI; and
- 2.2.2. from the date of this Notice until 31 March 2022 (which includes a case where the dissemination of the information in question was authorised by a previous regulation 3(4) Notice and began before the date of this Notice but which continues on or after that date).

## **3. Covid-19 Purpose**

3.1 A Covid-19 Purpose includes but is not limited to the following:

- understanding Covid-19 and risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks;
- processing to support the NHS Test and Trace programme;
- identifying and understanding information about patients or potential patients with or at risk of Covid-19, information about incidents of patient exposure to Covid-19 and the management of patients with or at risk of Covid-19 including: locating, contacting, screening, flagging and monitoring such patients and collecting information about and providing services in relation to testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from Covid-19;
- understanding information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of Covid-19 and the availability and capacity of those services or that care;
- monitoring and managing the response to Covid-19 by health and social care bodies and the Government including providing information to the public about Covid-19 and its effectiveness and information about capacity, medicines, equipment, supplies, services and the workforce within the health services and adult social care services;
- delivering services to patients, clinicians, the health services and adult social care services workforce and the public about and in connection with Covid-19, including the provision of information, fit notes and the provision of health care and adult social care services; and
- research and planning in relation to Covid-19.

#### **4. Recording of processing**

A record should be kept of all data processed under this Notice.

#### **5. Expiry of this Notice**

If no further notice is sent to you by me, this Notice will expire on 31 March 2022.

I am grateful for your continued support at this critical time.

Yours faithfully,

A handwritten signature in black ink that reads "S. P. Madden". The signature is written in a cursive style and is centered on the page.

Simon Madden, Director of Policy and Strategy, NHSX, Department of Health and Social Care

**On behalf of**

**Secretary of State for Health and Social Care**